

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ARTHUR T. JAMES GRIFFIN JR.,

Plaintiff,

vs.

CITY OF OMAHA POLICE DEPT.
OFFICERS,

Defendant.

8:22CV343

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. On September 30, 2022, the Court required Plaintiff Arthur T. James Griffin, Jr. to show cause why he is entitled to proceed in forma pauperis (“IFP”) in this action. See [Filing No. 6](#). The Court has previously determined that three or more federal cases brought by Plaintiff, while a prisoner, were dismissed as frivolous or for failure to state a claim. See *Griffin v. Omaha Police Dept, et al.*, Case No. 8:19CV495 (D. Neb.) ([Filing No. 10](#), Dec. 30, 2019 Memorandum and Order determining that three federal cases brought by Plaintiff while he was a prisoner were dismissed for failure to state a claim for relief and dismissing complaint pursuant to PLRA’s “three strikes” provision). The Prison Litigation Reform Act (“PLRA”) prevents a prisoner with “three strikes” from proceeding IFP unless the prisoner is under imminent danger of serious physical injury. [28 U.S.C. § 1915\(g\)](#). Additionally, on October 18, 2022, the Court ordered Plaintiff to update his address with the Court within 30 days or face dismissal of this action. [Filing No. 9](#).

To date, Plaintiff has not updated his address nor has he filed a response to the Court’s order to show cause or paid the Court’s \$402.00 filing and administrative fees despite the Court’s warning that failure to take such actions would result in dismissal of

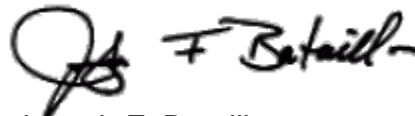
this case. Accordingly, the Court will dismiss this case without prejudice based on Plaintiff's failure to comply with the Court's orders.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motions for Leave to Proceed in Forma Pauperis, [Filing No. 2](#), is denied.
2. This case is dismissed without prejudice and a separate judgment will be entered in accordance with this Memorandum and Order.
3. Any notice of appeal filed by Plaintiff must be accompanied by the \$505.00 appellate filing fee because Plaintiff will not be allowed to proceed in forma pauperis on appeal.

Dated this 29th day of November, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge